

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTORS: John M. Simonsen
 Gordon E. Smith
 W. Paul Willis
 Daniel J. McGuire
 Douglas A. Steck

ASSIGNEE: Phonex Broadband Corporation

SERIAL NUMBER: n/a

DATE FILED: n/a

TITLE: METHOD AND SYSTEM FOR ADAPTING A TELEPHONE LINE MODEM FOR USE ON THE POWER LINE

ATTORNEY DOCKET: 4265.1 P

Assistant Commissioner for Patents
 Box PATENT APPLICATION
 Washington, DC 20231

DECLARATION FOR PATENT APPLICATION

Honorable Assistant Commissioner:

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **METHOD AND SYSTEM FOR ADAPTING A TELEPHONE LINE MODEM FOR USE ON THE POWER LINE** the specification of which

is attached hereto
 was filed on _____
 as Application Serial No. _____
 and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of

any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority	Claimed
(Number)	(Country)	(Date)	<input type="checkbox"/> Yes	<input type="checkbox"/> No
			<input type="checkbox"/> Yes	<input type="checkbox"/> No
			<input type="checkbox"/> Yes	<input type="checkbox"/> No

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

Prior Provisional Application(s)

<u>60/201,221</u> (Application No.)	<u>05/02/2000</u> (Filing Date)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Prior United States Application(s):

(Application No.)	(Filing Date)	(Status - patented, pending, abandoned)

Power of Attorney

I hereby appoint Lloyd W. Sadler (Reg. No. 40,154) and Daniel P. McCarthy (Reg. No. 36,600) as my representatives and attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. All communications should be directed to Mr. Sadler at the following address or telephone

number:

Lloyd W. Sadler
MCCARTHY & SADLER, LC
39 Exchange Place, Suite 100
Salt Lake City, Utah 84111
(801) 323-9399 - telephone
(801) 323-9396 - facsimile

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of inventor: John M. Simonsen

Residence of inventor:

Address: 430 East 1980 North
City: Provo
State: Utah 84604
Citizenship: U.S.A.

Post Office Address of Inventor:

Address: 430 East 1980 North
City: Provo
State: Utah 84604

Inventor's Signature: _____

Date: _____

Full name of inventor: Gordon E. Smith

Residence of inventor:

Address: 12124 Yorkridge Road
City: Sandy
State: Utah 84094
Citizenship: U.S.A.

Post Office Address of Inventor:

Address: 12124 Yorkridge Road
City: Sandy
State: Utah 84094

Inventor's Signature: _____

Date: _____

Full name of inventor: W. Paul Willis

Residence of inventor:

Address: 1224 East Preston Drive
City: Alpine
State: Utah 84004
Citizenship: U.S.A.

Post Office Address of Inventor:

Address: 1224 East Preston Drive
City: Alpine
State: Utah 84004

Inventor's Signature: _____

Date: _____

Full name of inventor: Daniel J. McGuire

Residence of inventor:

Address: 1239 Roosevelt Avenue
City: Salt Lake City
State: Utah 84105
Citizenship: U.S.A.

Post Office Address of Inventor:

Address: 1239 Roosevelt Avenue
City: Salt Lake City
State: Utah 84105

Inventor's Signature: _____

Date: _____

Full name of inventor: Douglas A. Steck

Residence of inventor:

Address: 13091 South 2110 West
City: Riverton

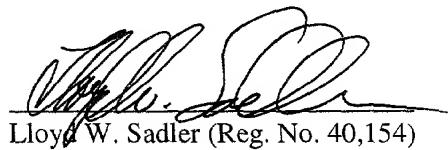
State: Utah 84065
Citizenship: U.S.A.

Post Office Address of Inventor:
Address: 13091 South 2110 West
City: Riverton
State: Utah 84065

Inventor's Signature: _____

Date: _____

At the time of filing this patent application, the inventors are unavailable for endorsing this form. However, the attorney submitting this application, Lloyd W. Sadler, Reg. No. 40,154, has been verbally assured that they qualify as inventors. The applicant intends to file a properly endorsed statement (declaration) of inventorship upon receipt of a Notice of Missing Parts.



Lloyd W. Sadler (Reg. No. 40,154)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTORS: John M. Simonsen
 Gordon E. Smith
 W. Paul Willis
 Daniel J. McGuire
 Douglas A. Steck

ASSIGNEE: Phonex Broadband Corporation

SERIAL NUMBER: n/a

DATE FILED: n/a

TITLE: METHOD AND SYSTEM FOR ADAPTING A TELEPHONE LINE MODEM FOR USE ON THE POWER LINE

ATTORNEY DOCKET: 4265.1 P

Assistant Commissioner for Patents
 Washington, DC 20231

**VERIFIED STATEMENT (DECLARATION)
 CLAIMING SMALL ENTITY STATUS**

**--SMALL BUSINESS CONCERN--
 (37 CFR 1.9(f) AND 1.27(c))**

Honorable Assistant Commissioner:

I hereby declare that I am

- the owner of the small business concern identified below:
- an official of the small business concern identified below and that I am empowered to act on behalf of said corporation:

NAME OF CONCERN: Phonex Broadband Corporation

ADDRESS OF CONCERN: 6952 High Tech Drive
Midvale Utah 84047
United States of America

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR § 121.3-18, and reproduced in 37 CFR § 1.9(d) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the business concern, including those of its affiliates, does not exceed 500 persons. For the purposes of this statement, (1) the number of employees of

the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled **METHOD AND SYSTEM FOR ADAPTING A TELEPHONE LINE MODEM FOR USE ON THE POWER LINE** by the above-named inventors described in

- the specification filed with this declaration.
- application Serial No. _____, filed _____.
- Patent No. _____, issued _____.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR § 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR § 1.9(d), or a nonprofit organization under 37 CFR § 1.9(e).

- no such person, concern or organization exists.
- each such person, concern or organization is listed below:

NAME: _____

ADDRESS: _____

- INDIVIDUAL SMALL BUSINESS ENTITY
 NONPROFIT ORGANIZATION

I acknowledge the duty of the small business concern to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the due date on which status as a small entity is no longer appropriate. (37 CFR § 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

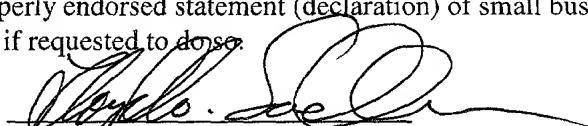
On Behalf of: _____

NAME OF PERSON SIGNING: _____

TITLE OF PERSON SIGNING: _____

SIGNATURE: _____ DATE: _____

At the time of filing this patent application, no officer of the assignee, Phonex Broadband Corporation, was available for endorsing this form. However, the attorney submitting this application, Lloyd W. Sadler, Reg. No. 40,154, has been verbally assured that Phonex Broadband Corporation qualifies as a Small Business Concern for small entity status. The applicant intends to file a properly endorsed statement (declaration) of small business inventors - small entity status if requested to do so.



Lloyd W. Sadler (Reg. No. 40,154)
Attorney for Phonex Broadband Corporation

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTORS: John M. Simonsen
 Gordon E. Smith
 W. Paul Willis
 Daniel J. McGuire
 Douglas A. Steck

ASSIGNEE: Phonex Broadband Corporation

SERIAL NUMBER: n/a

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 LINE MODEM FOR USE ON THE POWER LINE

ATTORNEY DOCKET: 4265.1 P

Assistant Commissioner for Patents
 Box PATENT APPLICATION
 Washington, DC 20231

**VERIFIED STATEMENT (DECLARATION)
 CLAIMING SMALL ENTITY STATUS**

**--INDEPENDENT INVENTOR--
 (37 CFR 1.9(c), (f) and 1.27(b))**

Honorable Assistant Commissioner:

As the below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR § 1.9(c) for the purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled **METHOD AND SYSTEM FOR ADAPTING A TELEPHONE LINE MODEM FOR USE ON THE POWER LINE** described in a patent application filed herewith.

I have not assigned, granted, conveyed or licensed and I am not under any obligation under contract or law to assign, grant, convey or license any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR § 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR § 1.9(d) or a nonprofit organization under 37 CFR § 1.9(e).

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the due date on which status as a small entity is no longer appropriate. (37 CFR § 1.28(b)).

I hereby declare that all statements made herein are of my own knowledge and are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Signature of Inventor: _____

Name of Inventor: John M Simonsen

Date: _____

Signature of Inventor: _____

Name of Inventor: Gordon E. Smith

Date: _____

Signature of Inventor: _____

Name of Inventor: W. Paul Willis

Date: _____

Signature of Inventor: _____

Name of Inventor: Daniel J. McGuire

Date: _____

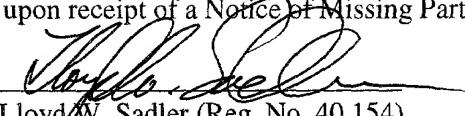
Signature of Inventor: _____

Name of Inventor: Douglas A. Steck

Date: _____

At the time of filing this patent application, the inventors are unavailable for endorsing this form. However, the attorney submitting this application, Lloyd W. Sadler, Reg. No. 40,154, has been verbally assured that they qualify as independent inventors for small entity status. The applicant intends to file a properly endorsed statement (declaration) of independent

inventors – small entity status upon receipt of a Notice of Missing Parts.



Lloyd W. Sadler (Reg. No. 40,154)